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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.986 OF 2007

Hemant Suryanath Dubey Petitioner

versus

The State of Maharashtra Respondents

Mr.A.R.Mundargi i/by Bipin Joshi for petitioner.

Ms.M.S.Mhambre, APP for respondents.

CORAM : SMT.RANJANA P. DESAI AND
D.B.BHOSALE, JJ.

DATE : 13th June 2007

PC :

1. The petitioner is seeking quashing of FIR No.248 of 2006 in CR No.114 of 2006 registered by the Economic Offences Wing, Crime Branch, Mumbai under sections 255, 256, 258, 259, 420, 120B of the Indian Penal Code read with section 63 of the Bombay Stamp Act, 1958. The case of the petitioner is that he was arrested in CR No.131 of 2001 by Thane Police Station. In that he was released on bail after arrest. On 12th June 2002 first charge sheet was filed before the Chief Judicial Magistrate, Thane against him and other

accused. On 25th March 2004 and 23rd October 2005 supplementary charge sheets were filed against other accused. Thereafter on 16th March 2005 the CBI submitted a report stating that the petitioner may be discharged as he is not connected with the crime in question.

2. It appears that during the investigation of this case it was revealed that the Broker Notes Stamps worth Rs.46,50,000/- were supplied by the petitioner through his firm M/s.Hemant Corporate Services to the firm M/s.Garbon Inter Capital. It was further revealed that the petitioner had also supplied Broker Notes Stamps worth Rs.7,00,000/- to M/s.Garbon Inter Capital through M/s.Blue Chip Corporate Services. The said stamps were used by M/s.Garbon Inter Capital for affixing them on the contracts executed by them. Total Broker Notes Stamps were worth Rs.46,50,000/- out of which Stamps worth Rs.3,37,000/- were seized by CBI and the stamps were sent to India Security Press, Nashik for experts opinion. During the course of investigation it was revealed that Broker Stamp Note worth Rs.3,37,000/- seized were counterfeit. Therefore, as per the complaint lodged by S.Balasubramony, Investigating Officer, a case

was registered at Marine Line Police Station vide C.R.No.248 of 2006 and subsequently investigation was taken over by Economic Offence Wing, Crime Branch, Mumbai vide C.R.No.114 of 2006.

3. In short, it is the case of the petitioner that during the course of investigation of the earlier case the investigating agency is said to have come across certain material which revealed that the petitioner is dealing in counterfeit stamps. In the first case the CBI has filed an application for the petitioner's discharge. Petitioner's contention is that once a crime has been registered against him, a separate crime cannot be registered against him for the same offence. The investigating agency could have filed a supplementary charge sheet. In the circumstances, prayer of quashing of the said CR is made.

4. We are not impressed by this submission. It appears that stamp vending licence of the petitioner was cancelled in the year 2001. Thereafter, through some other person, he appears to have been dealing with the counterfeit stamps. Prima facie, it appears to us to be a separate transaction. It is pertinent to note that the

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same officer who submitted a report to the Court seeking discharge of the petitioner in respect of CR No.131/2000, is the informant in this case. We are also satisfied with the explanation offered by Mr.Katkar, Assistant Police Inspector, Economic Offences Wing, Crime Branch, Mumbai in his affidavit. In our opinion, no case is made out for interference. The petition is dismissed.

(SMT.RANJANA P. DESAI, J.)

(D.B.BHOSALE, J.)